

Notice of Allowability

Application No.

10/608,815

Examiner

Cynthia Lee

Applicant(s)

MARKOSKI ET AL.

Art Unit

1745

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 9/28/2006.
2. ☒ The allowed claim(s) is/are 21-43.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☒ Interview Summary (PTO-413),
Paper No./Mail Date 10312006.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

Cynthia Lee
Patent Examiner

Election/Restriction

Claims 26 and 27 have been rejoined.

Examiner's Amendment

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Dr. Jonathan Taylor on 10/31/2006.

The application has been amended as follows:

IN THE CLAIMS:

39. (Currently Amended) A fuel cell for the generation of electricity, comprising:
- a) an anode;
 - b) a cathode; and
 - c) ~~a composition~~ an emulsion in contact with at least one of the anode and the cathode, the ~~comprising an~~ emulsion comprising a fluorinated solvent, a surfactant and an aqueous electrolyte with a pH of at most 4 or at least 9.

Art Unit: 1745

42. (Currently Amended) A fuel cell of claim 39, wherein the ~~composition~~ emulsion in contact with the anode further comprises a fuel.


43. (Currently Amended) A fuel cell of claim 39, wherein the ~~composition~~ emulsion in contact with the cathode further comprises oxygen.

Reasons for Allowance

The following is an examiner's statement of reasons for allowance:

Ohlsen discloses a fuel cell using liquid fuel/electrolyte mixture comprising hydrogen peroxide dissolved in water. Ohlsen does not disclose a fluorinated hydrocarbon and a surfactant. Brokman discloses of using a fluorinated hydrocarbon, particularly perfluorodecalin, to supply high oxygen concentration to the cathode. Brokman notes that perfluorodecalin is an electrolyte-immiscible fluid that is separated by a waterproof barrier from the electrolyte. Although the reference "Dupont TM Zonyl" teaches an anionic fluorosurfactant that is effective in emulsifying fluorinated hydrocarbons, prior art of record does not disclose nor suggest producing an emulsion comprising an aqueous electrolyte, a fluorinated solvent, and a surfactant because Brokman expressly disclose that fluorinated solvent is an electrolyte immiscible fluid.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."


PATRICK JOSEPH RYAN
SUPERVISORY PATENT EXAMINER